

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

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|--------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA | § | |
| | § | Criminal Action No. 4:23-CR-16 |
| v. | § | (Judge Mazzant/Judge Nowak) |
| | § | |
| MICHAEL BELDEN (1) | § | |

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the above-referenced criminal action, the Court having heretofore referred the request for the revocation of Defendant's supervised release to the United States Magistrate Judge for proper consideration. The Court has received the Report and Recommendation of the United States Magistrate Judge pursuant to its order. Defendant having waived allocution before the Court as well as his right to object to the report of the Magistrate Judge, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct.

It is therefore **ORDERED** that the Report and Recommendation of United States Magistrate Judge is **ADOPTED** as the opinion of the Court.

It is further **ORDERED** that Defendant's supervised release is hereby **REVOKED**.

It is further **ORDERED** that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of five (5) months, with seven (7) years of supervised release to follow.

The Court further recommends the imposition of the special conditions set forth in the Report and Recommendation, as follows:

You must provide the probation officer with access to any requested financial information;

Under the guidance and direction of the U.S. Probation Office, you must participate in sex offender treatment services which may include the application of physiological testing instruments. You shall pay any cost associated with treatment and testing;

You must not possess or view any images in any form of media or in any live venue that depicts sexually explicit conduct as defined in 18 U.S.C. § 2256(2). This includes visual, auditory, telephonic, electronic media, email, chat communications, instant messaging, or computer programs. You must not patronize any place where such material or entertainment is available. You must not use any sex-related telephone numbers. You must provide the probation officer with access to any requested financial information to determine if you have purchased, viewed, or possessed sexually explicit material;

You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense;

You shall not access any part of the internet aside from those directly related to your job functions (i.e. eBay, and email);

You must not have direct or indirect contact with children under the age of 18 unless supervised by an adult approved by the probation officer. This condition prohibits intentional conduct rather than inadvertent or incidental encounters with children under the age of 18;

You must not use or own any device (whether or not at your place of employment, residence, or elsewhere) that can be connected to the Internet or used to store digital materials other than that authorized by the probation officer. This includes, but is not limited to, desktop computers, laptops, PDA's, electronic games, and cellular telephones. You must not use any device

other than the one you are authorized to use. You must allow the U.S. Probation Office to install software designed to monitor activities. This may include, but is not limited to, software that may record any and all activity on the computers you may use, including the capture of keystrokes, application information, Internet use history, e-mail correspondence, and chat conversations. You will pay any costs related to the monitoring of your computer usage;

You must not maintain or create a user account on any social networking site (i.e., Facebook.com, Twitter.com, Google+, MySpace.com, Adultfriendfinder.com, etc.) that allows access to persons under the age of 18, or allows for the exchange of sexually-explicit material, chat conversations, or instant messaging. You must neither view nor access any web profile of users under the age of 18;

You must submit to a search of your person, property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning unlawful conduct or a violation of your conditions of supervision;

You must not use or possess any gaming consoles (including, but not limited to, Xbox, PlayStation, Nintendo), or devices without prior permission from the probation officer;

You must refrain from the purchase, possession, or use of digital cameras; digital recorders; or any other type of digital recording and/or photographic equipment;

You must not attempt to remove, tamper with, or in any way circumvent the monitoring software. You must not access any Internet Service Provider account or other online service using someone else's account, name, designation, or alias. You must disclose all on-line account information, including usernames and passwords, to the U.S. Probation Office. You must also, if requested, provide a list of all software/hardware on your computer, as well as telephone, cable,

or Internet service provider billing records, and any other information deemed necessary by the probation office to monitor your computer usage;

You must not access any service or use any software which allows for direct peer to peer contact which may include chat rooms, file sharing, or other similar activity without permission from the probation officer;

If you reside in a household where a computer is present (i.e., it belongs to a parent, spouse, roommate, etc.), the owner of the computer must agree to allow the U.S. Probation Office to install software designed to monitor computer activities on such computer. This may include, but is not limited to, software that may record any and all activity on any computer you may use in the residence, including the capture of keystrokes, application information, Internet use history, e-mail correspondence, and chat conversations. You will pay any costs related to computer monitoring; and

You must advise anyone in your household that may use any computer in question that monitoring software has been installed.

The Court also recommends that Defendant be housed in a Bureau of Prisons facility in West Texas, if appropriate.

IT IS SO ORDERED.

SIGNED this 30th day of May, 2023.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE